



March 18, 2003

ENGROSSED HOUSE BILL No. 1140

DIGEST OF HB 1140 (Updated March 13, 2003 1:11 PM - DI 44)

Citations Affected: IC 16-28.

Synopsis: Health facility license fee. Increases the license fees for health facilities.

Effective: July 1, 2003.

Brown C, Becker

(SENATE SPONSORS — MILLER, SIMPSON, BREAUX)

January 7, 2003, read first time and referred to Committee on Public Health.
February 10, 2003, amended, reported — Do Pass. Recommitted to Committee on Ways and Means.
February 17, 2003, amended, reported — Do Pass.
February 20, 2003, read second time, ordered engrossed. Engrossed.
February 24, 2003, read third time, passed. Yeas 81, nays 14.

SENATE ACTION

February 27, 2003, read first time and referred to Committee on Finance.
March 17, 2003, amended, reported favorably — Do Pass.

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EH 1140—LS 6869/DI 14+



March 18, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1140

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-28-2-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. The fee for a license
3 as a health facility under this chapter is ~~one hundred dollars (\$100)~~ **two**
4 **hundred dollars (\$200)** for the first fifty (50) beds available and ~~two~~
5 ~~dollars and fifty cents (\$2.50)~~ **ten dollars (\$10)** for each additional bed
6 available.

EH 1140—LS 6869/DI 14+



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1140, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, after line 6, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2003] (a) Notwithstanding any other appropriation, the state department of health is authorized to augment funding for personal services in amounts not to exceed the additional revenue derived from the increase in the health facility license fee under IC 16-28-2-7, as amended by this act, or from increases in the fees on health care providers (as defined by IC 16-18-2-163) that are enacted after January 1, 2003, or adopted by the executive board of the state department of health under IC 16-19-3.

(b) This SECTION expires July 1, 2008."

and when so amended that said bill do pass.

(Reference is to HB 1140 as introduced.)

BROWN C, Chair

Committee Vote: yeas 10, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1140, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-163, AS AMENDED BY P.L.148-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

- (1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, or an advanced emergency technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.
- (2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.
- (3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.
- (4) A home health agency (as defined in IC 16-27-1-2).
- (5) A health maintenance organization (as defined in IC 27-13-1-19).
- (6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).
- (7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

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- (A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;
- (B) is organized or registered under state law; and
- (C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of **IC 16-19-1-4 and IC 16-35**, has the meaning set forth in subsection (a). However, for purposes of **IC 16-19-1-4 and IC 16-35**, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5, means an individual licensed or authorized by this state to provide health care or professional services as:

- (1) a licensed physician;
- (2) a registered nurse;
- (3) a licensed practical nurse;
- (4) an advanced practice nurse;
- (5) a licensed nurse midwife;
- (6) a paramedic;
- (7) an emergency medical technician;
- (8) an advanced emergency medical technician; or
- (9) a first responder, as defined under IC 16-18-2-131.

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

SECTION 2. IC 16-19-1-4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 4. (a) As used in this section, "augmentation allowed" means the governor and the budget agency are authorized to add to any appropriation from revenues accruing to the fund from which the appropriation was made.**

(b) As used in this section, "personal services" includes payments for salaries and wages to officers and employees of the state (either regular or temporary), payments for compensation awards, and the employer's share of Social Security, health insurance, life insurance, and disability and retirement fund contributions.

(c) In addition to any other appropriation, augmentation is allowed for any appropriation made for any state fiscal year to the

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department for personal services in amounts not to exceed the additional revenue derived from the sum of:

- (1) the increase in the health facility licensing fee under IC 16-28-2-7, as enacted in the 2003 session of the general assembly; and
- (2) any increase in the fees on health care providers (as defined in IC 16-18-2-163(b)) that are:
 - (A) enacted; or
 - (B) adopted by the executive board under IC 16-19-3; after December 31, 2002.

The amount of augmentation allowed is annually appropriated to the department for personal services.

(d) This section expires June 30, 2008."

Page 1, delete lines 7 through 16.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1140 as printed February 11, 2003.)

CRAWFORD, Chair

Committee Vote: yeas 21, nays 5.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred House Bill No. 1140, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 28.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1140 as printed February 18, 2003.)

BORST, Chairperson

Committee Vote: Yeas 14, Nays 0.

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